

SEHESTED DECLARATION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ARISTA RECORDS LLC; ATLANTIC RECORDING CORPORATION; BMG MUSIC; CAPITOL RECORDS, INC.; ELEKTRA ENTERTAINMENT GROUP INC.; INTERSCOPE RECORDS; LAFACE RECORDS LLC; MOTOWN RECORD COMPANY, L.P.; PRIORITY RECORDS LLC; SONY BMG MUSIC ENTERTAINMENT; UMG RECORDINGS, INC.; VIRGIN RECORDS AMERICA, INC.; and WARNER BROS. RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC; MARK GORTON; GREG BILDSON; and M.J.G. LIME WIRE FAMILY LIMITED PARTNERSHIP,

Defendants,

ECF CASE

06 Civ. 05936 (GEL)

**DECLARATION OF THOMAS SEHESTED IN OPPOSITION TO
DEFENDANTS' MOTION TO EXCLUDE THE DECLARATIONS OF THOMAS
SEHESTED, ANDREW KEMPE, AND KATHERYN COGGON FOR
PLAINTIFFS' FAILURE TO DISCLOSE FACTUAL WITNESSES AND IN
FURTHER SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT**

I, THOMAS SEHESTED, hereby declare as follows:

1. I am the co-founder and Chief Executive Officer of DtecNet Software ApS ("DtecNet"). I have personal knowledge of the following facts and, if called and sworn as a witness, could competently testify thereto.

2. DtecNet was engaged by the Recording Industry Association of America ("RIAA") on behalf of the plaintiffs in this case after July 18, 2008 to assist in gathering

evidence as to whether copies of the thirty sound recordings ("files") listed in Attachment A to Plaintiffs' Statement of Undisputed Material Facts, dated July 18, 2008 ("Attachment A"), are being shared by LimeWire users.

3. Attached as an Exhibit to my September 9, 2008 declaration was a spreadsheet showing the dates on which DtecNet used Phex, a peer-to-peer client publicly available for download at <http://www.phex.org>, and Bearshare, a peer-to-peer client publicly available for download at <http://www.bearshare.com>, to download copies with identical hashes of each of the files in Attachment A from two different LimeWire users.¹ Due to a corrupted data file, DtecNet re-performed this task. Exhibit A to this declaration is an updated spreadsheet presenting the dates on which DtecNet downloaded copies with identical hashes of each of the files in Attachment A from two different LimeWire users. Exhibit B to this declaration is a CD containing a copy of a sound recording matching each hash provided in Attachment A.

4. DtecNet used Wireshark, a packet capture client publicly available for download at <http://www.wireshark.org>, to document the transfer of those files from the LimeWire user to the DtecNet computer, thus, confirming that the file was downloaded from a LimeWire user. During the transfer of each file in Attachment A, DtecNet utilized Wireshark to "capture" all the data packets transferred between DtecNet's computer and the P2P user. These "packet capture" or ".pcap" files contain all the data

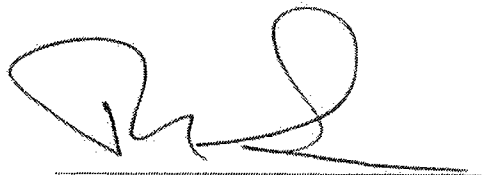
¹ As I stated in my September 9, 2008 declaration, if two files have the same hash, they are identical. The probability of two files, not directly copied from one another, having the same SHA-1 hash (the kind of hash used by LimeWire and DtecNet) is 2^{63} . (See <http://www.rsa.com/rsalabs/node.asp?id=2927>; <http://blogs.zdnet.com/Ou/?p=409>.) Thus, if two LimeWire users possess a file with identical hashes, one user's file is a copy of the other. (See Sehested 09/09/08 Decl. ¶ 5.)

about the transfer, including the user's IP address and proof that the user transferred the file using a LimeWire P2P client. In addition, the ".pcap" files contain information about the audio file name, the file hash and the date and time the file was downloaded.

Exhibit C to this declaration contains a screen-shot example of a ".pcap" file. At the request of plaintiffs, I have reviewed each of the ".pcap" files and I confirm that those files indicate that each of the files downloaded by DtecNet (files with identical hashes to each of the files in Attachment A) were transferred from two different LimeWire users.

I declare under penalty of perjury that the foregoing is true and correct.

December 3, 2008



Thomas Sehested

SEHESTED DECLARATION

Exhibit A

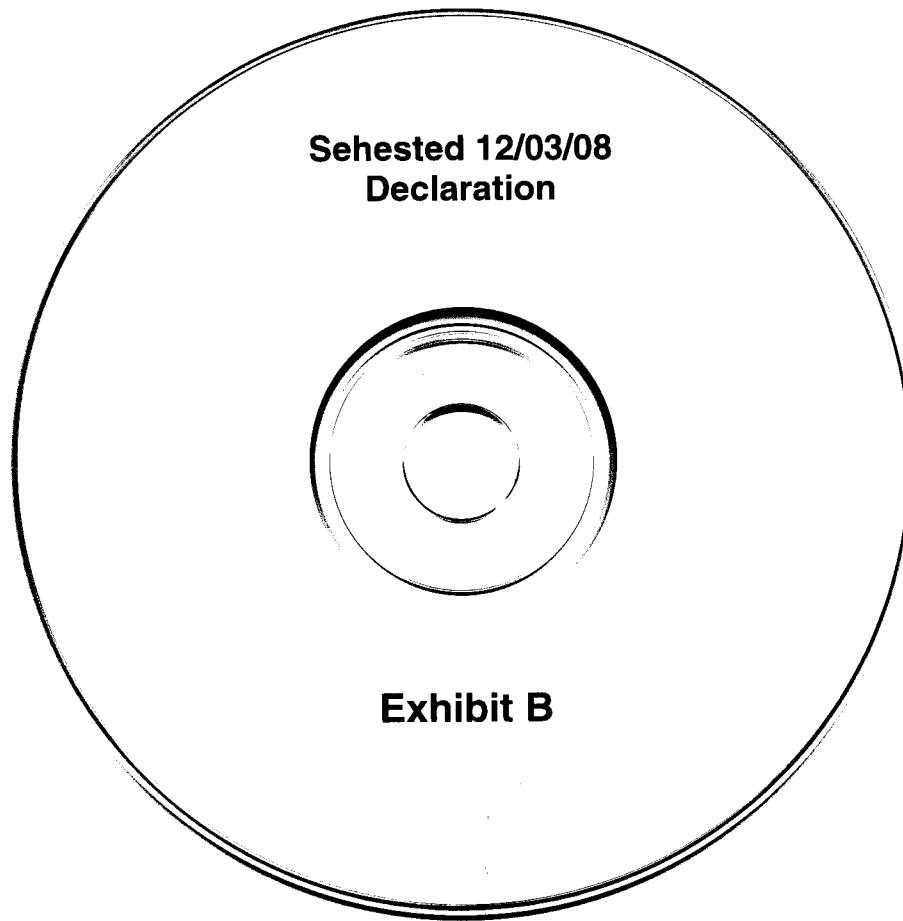
Copyright Plaintiff	Artist	Song Title	Album Title	SR
Atlantic Recording Corporation	Hootie & The Blowfish	Only Wanna Be With You	Cracked Rear View	193-960
Atlantic Recording Corporation	Matchbox 20	Long Day	Yourself or Someone Like You	227-755
Elektra Entertainment Group Inc.	Keith Sweat	Games	Didn't See Me Coming	293-086
Elektra Entertainment Group Inc.	Third Eye Blind	Semi-Charmed Life	Third Eye Blind	188-673
Warner Bros. Records Inc.	Green Day	Pulling Teeth	Dookie	185-457
Warner Bros. Records Inc.	Linkin Park	Papercut	Hybrid Theory	288-402
Atlantic Recording Corporation	Ray Charles	I Got A Woman	Pre-72	
Elektra Entertainment Group Inc.	The Doors	Light My Fire	Pre-72	
Interscope Records	No Doubt	Dark Blue	Return Of Saturn	279-727
Interscope Records	Wallflowers	Hand Me Down	Breach	214-646
Motown Record Company, L.P.	98 Degrees	Invisible Man	98 Degrees	249-152
Motown Record Company, L.P.	Brian McKnight	Last Dance	Back At One	279-471
UMG Recordings, Inc.	Counting Crows	A Long December	Recovering The Satellites	226-415
UMG Recordings, Inc.	George Strait	Lead On	Lead On	200-310
Motown Record Company, L.P.	Marvin Gaye	You're A Wonderful One	Pre-72	
Capitol Records, Inc.	Everclear	Father of Mine	So Much for the Afterglow	181-328
Capitol Records, Inc.	Maze	Joy and Pain	Joy and Pain	20-598
Priority Records LLC	Snoop Dogg	Slow Down	Da Game Is To Be Sold, Not To Be Told	260-056
Virgin Records America, Inc.	Kelis	Game Show	Kaleidoscope	277-087
Virgin Records America, Inc.	Paula Abdul	Cold Hearted	Forever Your Girl	93-688
Capitol Records, Inc.	The Beach Boys	Surfer Girl	Pre-72	
Arista Records LLC	Alan Jackson	Someday	Don't Rock the Jukebox	138-302
Arista Records LLC	Brooks & Dunn	Lost And Found	Brand New Man	140-290
BMG Music	Lorrie Morgan	He Talks To Me	Leave the Light On	105-180
BMG Music	SWV	I'm So Into You	It's About Time	146-905
LaFace Records LLC	OutKast	Mainstream	Atlans	233-296
LaFace Records LLC	Usher	Final Goodbye	Usher	200-154
SONY BMG MUSIC ENTERTAINMENT	Mariah Carey	Anytime You Need A Friend	Music Box	178-631
SONY BMG MUSIC ENTERTAINMENT	Nas	One Love	Illmatic	207-177
SONY BMG MUSIC ENTERTAINMENT	The Byrds	Wasn't Born To Follow	Pre-72	

Copyright Plaintiff	1st Download	File name	File Hash
Atlantic Recording Corporation	11_24_2008	Hootie and the blowfish- I Only Wanna Be With You.mp3	4G7I6AWYQUWUW2LPCKLZFEKSHP45VVE5
Atlantic Recording Corporation	11_22_2008	Match Box 20 - Long Day.mp3	CY7357BOPPE6XTL3R7EVVQINFJDCDCX7
Elektra Entertainment Group Inc.	11_28_2008	Keith Sweat - Games.mp3	4ECZUHP5AOMPT2A3VJU7D2FJQMCY4DQI
Elektra Entertainment Group Inc.	11_20_2008	Third Eye Blind - Semi Charmed Life.mp3	DDGJQAN7TRN2JGBILHEGR7BHFIDPKGVF
Warner Bros. Records Inc.	11_20_2008	Green Day - Dookie - 06 - Pulling Teeth.mp3	XCVDL67EVVKCOO2QTGZNSWU5P7XXP6II
Warner Bros. Records Inc.	12_01_2008	LinkinPark - Papercut.mp3	RHCKCE47LDJ2SM52Q2LPDQD42QDDEGO
Atlantic Recording Corporation	11_22_2008	Ray Charles - I Got A Woman.mp3	7RNDNBK26QRLC4QVHE6IKORHX3GOLY7
Elektra Entertainment Group Inc.	11_21_2008	The Doors - Jim Morrison - Light My Fire.MP3	ZVD5BQOAA2WNN3RY5XJH06YKN5H25CRJ
InterScope Records	12_01_2008	14 - No Doubt - Dark Blue.mp3	HN8WISAWZO2H2BB64SH7LK2PG723U2LCY
InterScope Records	11_25_2008	02. The Wallflowers - Breach - Hand Me Down.mp3	PD6OXL70VY7DYG7RZDQVC77FZH4AAJCO
Motown Record Company, L.P.	11_22_2008	98 Degrees - Invisible Man.mp3	4DUVAK4M4ZC4XQCKK2S13Z5ZIQ05F7UQ
Motown Record Company, L.P.	12_01_2008	Save The Last Dance soundtrack - Brian McKnight - Last Dance.mp3	VFPHTD72CGN74Z2L6PMWWRVVOCS5AKI
UMG Recordings, Inc.	11_21_2008	Counting Crows - A Long December.mp3	NIJRWZ6PS4BFW2GTNHS5N76DL24ZYW7
UMG Recordings, Inc.	11_24_2008	George Strait- Lead On.MP3	IEY2WDICYCBUSMIMT2A7IGAGLWTOU6C7
Motown Record Company, L.P.	11_30_2008	Marvin Gaye - You're a Wonderful One (1964).mp3	XVVMJZT67NWEIHB2XNJ3ASCBIM7VFDW
Capitol Records, Inc.	11_21_2008	Everclear - Father of Mine.mp3	7DN3TCV4NLM3M3AMP5LG4VVNCXSE7GBA
Capitol Records, Inc.	11_21_2008	Frankie Beverly & Maze - Joy And Pain.mp3	TSD2FKUS4I77EAPQBSFU67LRNIP22N
Priority Records LLC	12_01_2008	Snoop Dogg - Da Game Is To Be Sold Not Told - 02. Slow Down.mp3	DSUCEUCVXV6QQJYVSUUPWHBTDOU0HQI
Virgin Records America, Inc.	12_01_2008	06 - Kelis - Game show.mp3	GBVUH66K4JX2GICKQWQI3WZGDDVAARVWH
Virgin Records America, Inc.	11_21_2008	Paula Abdul - Cold Hearted Snake.mp3	KQDNVZUVUJHZCZAVDRTKFM3H5322FKI
Capitol Records, Inc.	11_24_2008	Beach Boys - Little Surfer Girl.mp3	TBOE4W7EKZMRDRWZ3YAUPRRKOK6QAP7FH
Arista Records LLC	11_24_2008	alan jackson - someday.mp3	CINAMB3ZNL6U4S43PZFT5OJATWKNYR85
Arista Records LLC	11_24_2008	Brooks & Dunn - Lost And Found In A Border Town.mp3	WB4XHIZHNNV36QLJHNSKKETODDDXDDK
BMG Music	11_24_2008	Lorrie Morgan - He Talks To Me.mp3	JXDHPZ7FP5XPXVZHA3HPQJII3DJ4UGU5
BMG Music	11_25_2008	SWV - I'm So Into You.mp3	LKFG6SVQYSTAIZSDK7F4MDCZY2BXN5WZ
LaFace Records LLC	11_21_2008	Outkast - ATLiens - 10 - Mainstream.mp3	JS3H4YL12OFUJUDVT77ZBSWAYCFH5EPZLZ
LaFace Records LLC	11_26_2008	Usher - Final Goodbye.mp3	4FC3VYHNNWPQPWBE4ME3IV5IM4QKVNLT5
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Mariah Carey - Anytime You Need A Friend.mp3	XKOWBMVG5V6PKXCKHZDLGVZVC33POIWI
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Nas - illmatic - 07 - One Love.mp3	UAEDGJKLUUMQD6WVD4OZ6EVFTSDU6EX
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	The Byrds - Wasn't Born to Follow.mp3	2GEYHOX3WQAVTFH7RM31GEEG6UV303KL

Copyright Plaintiff	2nd Download	File name	File Hash
Atlantic Recording Corporation	11_24_2008	I Only Wanna Be With You.mp3	4G7J6AWYQWUW2LPCKLZFEKSHHP45VWE5
Atlantic Recording Corporation	11_22_2008	Match Box 20 - Long Day.mp3	CY7357BOPPF6XTL3R7EVVQINFJCDCCX7
Elektra Entertainment Group Inc.	11_28_2008	Keith Sweat - Games.mp3	4ECZUHPSAOMPT2A3VJU7D2FJQMCY4DQJ
Elektra Entertainment Group Inc.	11_21_2008	Third Eye Blind - Semi Charmed Life.mp3	DDGJQAN7TRN2JGBILHEGR7BHFIDPKGVF
Warner Bros. Records Inc.	11_20_2008	Green Day - Dookie - 06 - Pulling Teeth.mp3	XCVDL67EVVKCOQ2QTGZNSWU5P7XXP6II
Warner Bros. Records Inc.	11_20_2008	Linkin Park - Papercut.mp3	RHCKCE47LDJ25M52Q2LPODDQ42QDDEGO
Atlantic Recording Corporation	11_22_2008	Ray Charles - I Got A Woman.mp3	7RNDNBK26QRLC4QVHE6IKORHX3GOLY7
Elektra Entertainment Group Inc.	11_21_2008	The Doors - Light My Fire.mp3	ZVD58COAA2WNN3RY5XJHO6YKNK5H2SCRJ
Interscope Records	12_01_2008	14 - No Doubt - Dark Blue.mp3	HNBWJ3AWZOH2BB64SH7LK2PG723U2LCY
Interscope Records	11_25_2008	02. The Wallflowers - Breach - Hand Me Down.mp3	PD6OXL7OVY7DIG7RZDQVC77FZH4AAUCO
Motown Record Company, LP	11_22_2008	98 Degrees - Invisible Man.mp3	4DUVAK4M4ZC4XQCKK2S3Z5ZIQ05F7UQ
Motown Record Company, LP	12_01_2008	Brian McKnight - last dance.mp3	VFPDHT22CGN74Z2L6PMWWRVVOCSSEAKI
UMG Recordings, Inc.	11_21_2008	Counting Crows - A Long December.mp3	NIJRWZ6PS4BFW2GTNHSSN76DL24ZYW7
UMG Recordings, Inc.	11_24_2008	George Strait- Lead On.MP3	IEY2WDICYCBUSMIMT2A7IGAGLWTOU6C7
Motown Record Company, LP	12_01_2008	Marvin Gaye - You're a Wonderful One (1964).mp3	XVWUJZT67NWEIHB2XNUJ3ASCI8M7VFDW
Capitol Records, Inc.	11_21_2008	Everclear - Father of mine.mp3	7DN3TCV4NLM3M3AMP5LG4VVNCXSE7GBA
Capitol Records, Inc.	11_21_2008	Maze featuring Frankie Beverly - Joy And Pain.mp3	TSD2PKUS477EAPQBSFU67LRNIPZ2N
Priority Records LLC	12_01_2008	Snoop Dogg - Da Game Is To Be Sold Not Told - 02. Slow Down	DSUCEUCVXV6QQJYVSUUPVWHBTCDU0HQI
Virgin Records America, Inc.	12_01_2008	06 - Kells - Game show.mp3	GBVUH66K4IX2GJCKQW0I3WZGDVAARVWH
Virgin Records America, Inc.	11_21_2008	Paula Abdul - Cold Hearted Snake.mp3	KQDNVZUUVUJHCZCAVDRTKFMDD3H5322FKI
Capitol Records, Inc.	11_24_2008	The Beach Boys - Little Surfer Girl.mp3	TBOE4W7EKZMRDRWZ3YAUPRR0K6QAP7FH
Arista Records LLC	11_22_2008	Alan Jackson - someday.mp3	CINAMB3ZNLG6U4S3PZFT5OJATWKNYR85
Arista Records LLC	11_24_2008	Brooks & Dunn - Lost And Found In A Border Town.mp3	WB4XHZI2HNNV36QLJHNSKKETODDDXDK
BMG Music	12_01_2008	He Talks To Me.mp3	JXDHPZ7F5XPXVZHA3HPQJII3DJ4UGU5
BMG Music	11_25_2008	SWV - I'm So Into You.mp3	LKQ6SVOYSTAJZ5DK7F4MDCZ2BXNSWZ
LaFace Records LLC	11_21_2008	Outkast - ATLiens - 10 - Mainstream.mp3	JS3H4YL2OFUUDVT77BSWAYCFH5EPZLZ
LaFace Records LLC	11_25_2008	Usher - Final Goodbye.mp3	4FC3VYHNPWPQPWBE4ME3IVSIM4QKVNLT5
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Mariah Carey - Anytime You Need A Friend.mp3	XKOWBMVGSV6PKXCKHZDZDNGZVC33POIWW
SONY BMG MUSIC ENTERTAINMENT	11_21_2008	Nas - Illmatic - 07 - One Love.mp3	UAEDGKLUUMGQD6WVD40Z6EVFTSDU6EX
SONY BMG MUSIC ENTERTAINMENT	11_24_2008	The Byrds - Wasn't Born to Follow - Easy Rider.mp3	2GEYHOX3WQAVTFH7RM3IGEEG6JV303KL

SEHESTED DECLARATION

Exhibit B



SEHESTED DECLARATION

Exhibit C

ream Content:

```

SET /uri-res/N2R?urn:sha1:xyvwjzt67NWEIHB2XNJ13ASCI8M7VFDW HTTP/1.1
User-Agent: Phex 3.2.6.106
Host: 84.196.24.70:28870
Range: bytes=1212416-1228799
<-queue: 0.1
Connection: keep-alive

```

HTTP/1.1 206 Partial Content

Server: Limewire/4.13.0 (Pro)

Content-Type: application/binary

Content-Length: 16384

Date: Mon, 1 Dec 2008 17:40:01 GMT

Content-Disposition: attachment; filename="Marvin%20Gaye%20-%20You%27re%20a%20wonderful%20one%201964.mp3"

Content-Range: bytes 1212416-1228799/2687095

<-Gnutella-Content-URN: urn:sha1:xyvwjzt67NWEIHB2XNJ13ASCI8M7VFDW

<-Create-Time: 1225615397828

<-Features: fwalt/0.1, chat/0.1, browse/1.0

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.q..G...t..pr...|...k(c.OE)<=w.0..7d..VF1...4.:G..J.|\\...k..og.....C.....!

5..00..l.7..%F..AQH+.jX}|.p..vo.....8.T.p.....F..O.K.....

.4.....v...l...6H...Q...H.OD.\$....n....

...@.COU.#Q..s.@p..."K.A.....3)..w.....N...;..v1...~

6.a...AQ.....|..d...k..r.#k1.27G.....(A.P..A.w.5.....U.]

i.[s..w.pu...w..K=...D...w.14...Vdc.T'}.L..Q...A..9.L.....F.!

mm.;...A...BQ...;...;) u.P....l....]...beh..\$.\

.q..kA./4....J?.....Y.....ek.xQn.....|..s.6kS.....G...m..%

?.....Z.....yl.*H..A=1..5.r*....X..~...r.5k.m..w#...n.d..@..r.k.....L.%Z.8...0

.j.....H...y...x.....g.+5.....!..6.....Z.....4?

(.R...j..>..Q..q.CR...}.a..k@a.\$..7rs.R..H.-.w-i...k.@.C

)..aR.

). ...l...3...k..hxd...3..<(2.F..C...0T...GMM...7...T?..r.....n..H



Save As

Print

Entire conversation (2698473 bytes)


☒ ASCII
 ☐ EBCDIC
 ☐ Hex Dump
 ☐ C Arrays
 ☐ Raw

Filter out this stream

Close